

Application No.: 10/648,808

Docket No.: 2003536.129 US2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Armentano et al.	Confirmation No.:	3940
Application No.:	10/648,808	Art Unit:	3623
Filed:	August 27, 2003	Examiner:	Peter H. Choi
Title:	METHOD AND SYSTEM FOR KNOWLEDGE MANAGEMENT AND EFFECTIVE MENTORING OF INSURANCE CLAIM PROFESSIONALS		

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**APPLICATION FOR PATENT TERM ADJUSTMENT AND REQUEST FOR
RECONSIDERATION OF THE PATENT TERM ADJUSTMENT UNDER 37 C.F.R. §§ 1.702-1.705**

Dear Madam:

The Notice of Allowance mailed on October 5, 2009 for the application referenced above recites a 1077 day patent term adjustment. Applicants believe that the application is entitled to more than 1077 days of term adjustment, and hereby request reconsideration of the patent term adjustment as follows.

Applicants believe the total patent term adjustment under 37 C.F.R. §§ 1.702-1.704 should be 1633 days as of the issue fee date, November 9, 2009, which is the total of:

(1) (a) 1283 days under 37 C.F.R. §§ 1.702(a)(1) and 1.703(a)(1), for the delay in issuing a first office action after October 27, 2004 (14 months from the filing date) until May 2, 2008 (date the first office action was mailed);

(b) minus 59 days of delay attributable to the Applicant under 37 C.F.R. §1.704(b) for the 59 day delay in responding to a Notice to File Missing Parts (mailed November 20, 2003) from February 20, 2004 (three months after the mailing of the Notice to File Missing Parts) until April 19, 2004, (the date Applicants' response to the Notice to File Missing Parts was received in the Patent Office);

(c) minus 90 days of delay attributable to the Applicant under 37 C.F.R. §1.704(b) for the 90 day delay in responding to a Non-Final Rejection (mailed May 2, 2008) from August 2, 2008 (three months

after the mailing of the Non-Final Rejection) until October 31, 2008 (the date Applicants' response to the Non-Final Rejection was received in the Patent Office);

(d) minus 57 days of delay attributable to the Applicant under 37 C.F.R. §1.704(b) for the 57 day delay in responding to a Non-Final Rejection (mailed February 5, 2009) from May 5, 2009 (three months after the mailing of the Non-Final Rejection) until July 1, 2009 (the date Applicants' response to the Non-Final Rejection was received in the Patent Office);

for a total of 1077 days under (1);

(2) 1170 days under 37 C.F.R. §§ 1.702(b) and 1.703(b) for the Patent Office delay in issuing the patent after August 27, 2006 (3 years after filing date).

The periods (1) and (2) overlap by 614 days. (37 C.F.R. § 1.703(f). *See Wyeth v. Dudas*, 88 U.S.P.Q.2d 1538 (D.D.C. 2008). Thus, the total adjustment based on (1) and (2) above would be 1633 days.

The additional days of patent term adjustment are requested under 37 C.F.R. §§ 1.702(b) and 1.703(b) for the following reason.

37 C.F.R. 1.702(b) states:

Subject to the provisions of 35 U.S.C. 154(b) and this subpart, the term of an original patent shall be adjusted if the issuance of the patent was delayed due to the failure of the Office to issue a patent within three years after the date on which the application was filed under 35 U.S.C. 111(a)

The instant application was filed under 35 U.S.C. § 111(a) on August 27, 2003 and therefore should have issued by August 27, 2006.

37 C.F.R. § 1.703 states in pertinent part:

The period of adjustment under § 1.702(b) is the number of days, if any, in the period beginning on the day after the date that is three years after the date on which the application was filed under 35 U.S.C. 111(a) ... and ending on the date a patent was issued

Application No.: 10/648,808

Docket No.: 2003536.129 US2

Therefore, the relevant period of delay in issuing the patent began on August 27, 2006 and our calculations show that the application should receive an additional 556 day term adjustment, for a total of 1633 days.

In accordance with 37 C.F.R. 1.18(e), please charge the \$200.00 fee to our Deposit Account No. 08-0219. The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 08-0219, under Order No. 2003536.129 US2.

Respectfully submitted,

Dated: November 9, 2009

/Irah H. Donner/
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